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DOCKET NO. : 21829/240 (EBC-002)

APPLICANTS : Zhong-Min Wei, Hao Fan, Jennifer J. Stephens, Steven V. Beer,  
and Ron Laby

TITLE : **HYPERSENSITIVE RESPONSE ELICITOR FRAGMENTS  
WHICH ARE ACTIVE BUT DO NOT ELICIT A  
HYPERSENSITIVE RESPONSE**

Certificate is attached to the copy of the **Declaration of Jennifer J. Stephens**  
(1 page) as filed in the prior application of the above-named application.

“EXPRESS MAIL” NUMBER: **EV 139569569US**

DATE OF DEPOSIT: **January 27, 2003**

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Andrew K. Gonsalves

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PATENT  
Docket No.: 21829/31 (EBC-002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Wei et al.	)	Examiner:
			)	H.A. Robinson
Serial No.	:	09/412,100	)	
			)	Art Unit:
Cnfrm. No.	:	9211	)	1653
			)	
Filed	:	October 4, 1999	)	
			)	
For	:	HYPERSENSITIVE RESPONSE ELICITOR	)	
		FRAGMENTS WHICH ARE ACTIVE BUT	)	
		DO NOT ELICIT A HYPERSENSITIVE	)	
		RESPONSE	)	

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DECLARATION OF JENNIFER J. STEPHENS

I, Jennifer J. Stephens, hereby declare:

1. I am a named inventor of the above referenced patent application.
2. At the time the above referenced patent application was filed with the U.S. Patent and Trademark Office, my legal name was Jennifer J. Stephens.
3. My name was inadvertently given as Jennifer L. Niggemeyer on the above-referenced patent application.
4. I was legally married in the State of Washington on September 11, 1999.
5. As of September 11, 1999, my legal name was changed to Jennifer J. Stephens.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3/27/02

  
Jennifer L. Niggemeyer

Date: 3/27/02

  
Jennifer J. Stephens

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COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY  
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER

21829/31 (EBC-002)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HYPERSENSITIVE RESPONSE ELICITOR FRAGMENTS WHICH ARE ACTIVE BUT DO NOT  
ELICIT A HYPERSENSITIVE RESPONSE**

Specification of which (check only one item below):

☐ is attached hereto.

☒ was filed as U.S. Patent Application Serial No. **09/412,100** on **October 4, 1999** and was amended on **OFFICE OF PETITIONS**  
(if applicable).

☐ was filed as PCT International Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim priority benefits under Title 35, United States Code, § 119 of any application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States listed below and have also identified below any application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (If PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
United States	60/103,050	05-OCT-1998	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check One)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)		

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COMBINED DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY (Continue)

ATTORNEY'S DOCKET NUMBER  
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. **Michael L. Goldman, Registration No. 30,727; Joseph M. Noto, Registration No. 32,163; Ann R. Pokalsky, Registration No. 34,697; Gunnar G. Leinberg, Registration No. 35,584; Edwin V. Merkel, Registration No. 40,087; Georgia Evans, Registration No. 44,597; Alice Y. Choi, Registration No. 45,758; Andrew K. Gonsalves, Registration No. 48,145; Noreen L. Connolly, Registration No. 48,987; John Campa, Registration No. 49,014**

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Direct Telephone Calls to:  
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(716) 263-1304**

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206	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE/FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	P.O. ADDRESS	CITY	STATE & ZIP CODE/CTRY

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202 <i>W. J. M.</i>	SIGNATURE OF INVENTOR 203
DATE <i>JAN 27 2003</i>	DATE <i>Dec. 12. 2002</i>	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

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